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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,169	02/28/2006	Eileen Anne Corry	05:42	5059

2119 7590 11/24/2006

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EXAMINER

CLINE, SALLY COLSON

ART UNIT PAPER NUMBER

3765

DATE MAILED: 11/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/531,169

Applicant(s)

CORRY ET AL.

Examiner

Sally Colson Cline

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 February 2006.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 15-29 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.  
7) ☒ Claim(s) 15-29 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 11 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 20050411.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Applicant's pre-amendment, filed 11 April 2005, has been received. Claims 1-14 are cancelled and new claims 15-29 are added, leaving claims 15-29 pending.

#### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Specification***

3. The disclosure is objected to because of the following informalities: "th" to —the— (p 1 line 27).

Appropriate correction is required.

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: description of "correct grip."

#### ***Claim Objections***

5. The use of the trademark VELCRO (claim 29) has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner that might adversely affect their validity as trademarks.

6. Claim 25 recites the limitation "the dart" in line 2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 15-19, 21-23, and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landis (USPN 6,513,166) in view of Oury (USPN 7,101,286).

As to claim 15, Landis discloses in the invention substantially as claimed, including a pair of gloves with finger and thumb sheaths, a bi-colored (col 2 line 52-56) front and back, and a narrow band (17) across the front. When the golf club is held correctly, only portions of one color are visible to a user (col 3 line 12-21). Landis does not expressly disclose a circular formation on the thumb and corresponding semi-circular formation on the front of the other glove. Oury teaches a similar invention (100, 200), including a circular formation (102) on the thumb (104) and corresponding semi-circular formation (201) on the front (209) of the other glove. Both the invention of Landis and the invention of Oury function to train a golfer's grip with visual indicators. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the invention of Landis with the formations of Oury for the purpose of aiding in attaining a correct grip (pp 0025).

As to claim 16, Landis discloses a dart (30) of a contrasting color (col 3 line 48-55) at the bottom of the thumb sheath, between the thumb and forefinger.

As to claim 17, Landis discloses the bi-colors contrast (col 3 line 48-55).

As to claim 18, Landis discloses a fastening device (24) on the back of each glove near the cuff.

As to claim 19, Landis discloses the fastening device is a slit (fig 3) with a first and second zone that mate together (22).

As to claim 21, Landis discloses the cuff has an elasticized membrane (23).

As to claims 22-23, Landis discloses the differently colored portions of the gloves are determined by the visible and non-visible areas of the gloves in use, when the correct grip is adopted (col 3 line 12-21).

As to claim 27, Landis in view of Oury discloses the invention substantially as claimed, but does not expressly disclose vent openings between each finger sheath. It is well known in the golf glove art to provide ventilated fourchettes to cool the hands of a user to prevent sweating and subsequent slipping of the hand inside the glove when precision is required. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the invention of Landis in view of Oury with vents for the purpose of ventilating the hand of the user.

As to claim 28, Landis discloses the back of each finger sheath is vented by apertures (fig 3).

9. Claims 20 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landis in view of Oury as applied to claim 19 above, and further in view of Feuerhake (USPN 5,704,065).

As to claims 20 and 29, Landis in view of Oury discloses the invention substantially as claimed, but does not expressly disclose a hook and loop fastener.

Art Unit: 3765

Feuerhake teaches a similar invention (14), including hook and loop fastener (col 3 line 63-67). Hook and loop is a common fastener in the golf glove art because it is widely available for manufacturers and it is a quick and convenient fastener for a user.

VELCRO is the registered trademark of the generic material, hook and loop. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the invention of Landis in view of Oury with the hook and loop fastener of Feuerhake for the purpose of permitting the glove to fit snugly around a golfer's hand (col 3 line 63-67).

10. Claims 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landis in view of Oury as applied to claim 16 above, and further in view of Harvanek (USPN 5,542,126).

As to claims 24-26, Landis in view of Oury discloses the invention substantially as claimed, but does not expressly disclose an elongated panel. Harvanek teaches a similar invention (10), including an elongated panel of material (62) similar in color to the dart (42) on the back of the other glove to appear, in use, parallel to the dart when a correct grip is adopted by a user (fig 14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the invention of Landis in view of Oury with the panel of Harvanek for the purpose of assuring the user the hands are properly positioned on the club (col 8 line 10-21).


### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dickerson (USPN 5,462,280).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sally Colson Cline whose telephone number is 571-272-6731. The examiner can normally be reached on 830AM - 5PM EST, M - F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on 571-272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Sally Colson Cline  
Examiner  
Art Unit 3765

SCC



**KATHERINE MOR**  
**PRIMARY EXAMINER**